

By the Committee on Judiciary and Senator Diaz de la Portilla

308-2136-00

1                                   A bill to be entitled  
2           An act relating to the placement of rip current  
3           warning signs; providing a short title;  
4           creating s. 380.275, F.S.; providing for a  
5           cooperative effort among state agencies and  
6           local governments to plan for and assist in the  
7           placement of rip current warning signs;  
8           providing that the Department of Community  
9           Affairs shall direct and coordinate the  
10          program; requiring the development of a uniform  
11          rip current warning sign; authorizing the  
12          department to coordinate the distribution and  
13          erection of rip current warning signs;  
14          providing for rules; limiting the liability of  
15          participating governmental entities; providing  
16          an effective date.

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18 Be It Enacted by the Legislature of the State of Florida:

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20           Section 1. This act may be cited as the  
21 "McGriff-Mannix Act" in honor of James McGriff and Brian  
22 Mannix, who lost their lives as a result of rip currents.

23           Section 2. Section 380.275, Florida Statutes, is  
24 created to read:

25           380.275 Beaches and coastal areas; posting of rip  
26 current warning signs.--

27           (1) It is the intent of the Legislature that a  
28 cooperative effort among state agencies and local governments  
29 be developed to plan for and assist in the placement of rip  
30 current warning signs along the public beaches and coastal  
31 areas of the state. A rip current is a strong surface current

1 of water flowing out past the surf zone, which can pull even  
2 the strongest swimmer into deeper water. Rip currents pose a  
3 significant danger of drowning to tourists and the general  
4 public, and it is therefore important to inform the public to  
5 be cautious in coastal areas where rip currents can occur.

6 (2) The Department of Community Affairs, through the  
7 Florida Coastal Management Program, shall direct and  
8 coordinate the rip current warning sign program, which shall  
9 be a program to encourage the placement of rip current warning  
10 signs in areas that may pose a significant risk to the public  
11 as a result of rip currents. Signs may be located where the  
12 public has established an access way to a beach or coastal  
13 area.

14 (3) The department shall develop a uniform rip current  
15 warning sign for use at any public beach or along any coastal  
16 area where there may be a significant threat to the public as  
17 a result of rip currents, to be placed, insofar as is  
18 practicable, wherever the public has established access ways  
19 to the beach.

20 (4) The department is authorized, within the limits of  
21 appropriations available to it for such purposes, to establish  
22 and operate a program to encourage the placement of rip  
23 current warning signs in areas where the public has  
24 established an access way to a beach or coastal area that may  
25 be subject to a significant threat of dangerous rip currents  
26 and therefore may pose a hazard to the public. The department  
27 shall also coordinate with the local governing body the  
28 distribution and erection of rip current warning signs  
29 whenever there is a request for such assistance.

30 (5) The department is authorized to adopt rules to  
31 implement this section.

1           (6) The state, state agencies, local governments, and  
2 local government agencies shall not be held liable for any  
3 injury caused by a rip current regardless of the placement or  
4 maintenance of rip current warning signs or the failure to  
5 install or maintain rip current signs as provided by this  
6 section.

7           Section 3. This act shall take effect October 1, 2000.

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9                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
10                   COMMITTEE SUBSTITUTE FOR  
11                   SB 1876

12           Subsection (6), pertaining to sovereign immunity, is clarified  
13           to provide that a governmental entity's liability will be  
14           limited for injuries caused by a rip current regardless of the  
            entity's placement, maintenance, or failure to place or  
            maintain a rip current warning sign.